

**REMARKS**

The Examiner's Action mailed on September 19, 2007, has been received and its contents carefully considered. Additionally attached to this Amendment is a Petition for a One-month Extension of Time, extending the period for response to January 19, 2008. Also attached to this Amendment is a Request for a Continued Examination and an Information Disclosure Statement. Favorable reconsideration and allowance of the present patent application are respectfully requested in view of the following remarks. Claims 1, 4, 6 and 8 are pending in the present application and Claim 1 has been amended. Applicant submits that Claims 1, 4, 6 and 8 are in condition for allowance.

**CLAIM OBJECTIONS**

Claims 1, 4, 6, and 8 were objected to because of a lack of antecedent basis. Claim 1 has been amended according to the suggestions made by the Examiner in the previous Office Action, correcting the antecedent basis issues previously cited by the Examiner.

**35 U.S.C. § 112 REJECTIONS**

Claims 1, 4, 6 and 8 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 1 has been amended correcting the indefinite issues cited by the Examiner. Specifically, claim 1 has been amended to distinctly claim, "the first cushion member coming into contact with the ball nut" and "the second cushion member coming into contact with the ball nut". In view of amended claim 1, it is believed that all

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pending claims are definite and no further rejection on that basis is anticipated. If, however, the Examiner disagrees, the Examiner is invited to telephone the undersigned who will work with the Examiner in a joint effort to derive mutually acceptable language.

### **35 U.S.C. §102(b) REJECTIONS**

Claims 1, 6 and 8 were rejected under 35 U.S.C. §102(b) as anticipated by Japanese Patent No. JP 9-327149 (the '149 reference). Applicant respectfully traverses each of these rejections for at least the following reasons.

Amended claim 1 recites "the frame of the motor is formed in one united body at an extended part of the external cylinder" and "the cylindrical member is constituted as an integrated part of the external cylinder". The one united body formed by the frame of the motor and the extended part of the external cylinder may serve to facilitate the radiation of heat generated by the motor (Applicant's Specification, the first full paragraph on p. 10). Additionally, the cylinder member constituted as an integrated part of the external cylinder may also serve to promote the radiation of heat generated by the motor, as well as, facilitate support and installation of the motor at the shock absorber (Applicant's Specification, the first two full paragraphs on p. 10).

The Examiner uses the '149 reference to teach, "an external cylinder (6) and an internal cylinder (12) to be slidably inserted into the external cylinder; an upper part (18) of the external cylinder extends (see arguments below) so as to cover the motor" (Office Action, page 4). However, as shown in Figs. 1, 3 and 4,

the frame or cover (18) of the motor is formed as a separate piece from the external cylinder (6) and fastened thereto by bolt (19).

Therefore, the '149 reference fails to disclose, teach or inherently imply "the frame of the motor is formed in one united body at an extended part of the external cylinder" as recited in amended claim 1, therefore, claim 1 is believed to be patentably distinguishable over the cited prior art. Additionally, claims 6 and 8 depend from independent claim 1 and, therefore, are also believed to be patentably distinguishable over the cited prior art. Accordingly, Applicant respectfully traverses, and requests reconsideration of, these rejections based on this reference.

### **35 U.S.C. §103(a) REJECTIONS**

Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over the '149 reference in view of US Patent No. 5,070,284 to Patil et al. (the '284 reference). Applicant respectfully traverses this rejection for at least the following reasons.

Claim 4 depends from independent claim 1 and, therefore, incorporates all of the claim limitations recited in claim 1. As mentioned previously, the '149 reference fails to disclose, teach or imply "the frame of the motor is formed in one united body at an extended part of the external cylinder" as recited in amended claim 1, therefore, claim 1 is believed to be patentably distinguishable over the '149 reference.

Additionally, the '284 reference discloses a motor 104 and a cylinder member (as seen in Fig. 1), but fails to disclose, teach or imply "the frame of the

motor is formed in one united body at an extended part of the external cylinder" as recited in amended claim 1, therefore, claim 1 is believed to be patentably distinguishable over the '149 and '284 references either alone or in combination, as well as, claim 4 which depends from independent claim 1. Accordingly, Applicant respectfully traverses, and requests reconsideration of, this rejection based on these references.

### **CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, at the telephone number listed below.

Should the remittance be accidentally missing or insufficient, the Director is hereby authorized to charge the fee to our Deposit Account No. 18-0002, and is requested to advise us accordingly.

Respectfully submitted,



January 18, 2008

Date

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